

REAL ID Act of 2005

Status and Implications for Utah

Transportation Interim Committee
April 18, 2007



REAL ID Act of 2005

- History
- REAL ID Provisions
- Concerns
- Policy Options and Questions
- Questions?



History of REAL ID Act of 2005

- Changing Nature of Driver Licenses
- 9/11 Commission Report
- Intelligence Reform Act of 2004
- REAL ID Act of 2005
- Proposed Rules Issued by Department of Homeland Security in March 2007

- **History**
- REAL ID Provisions
- Concerns
- Policy Options/Questions
- Questions



REAL ID Provisions

- Principle provisions
 - Mandate and Official Use Prohibition
 - Card Display Requirements
 - Verification of Identity
 - Security
 - Renewal and Expiration
 - State-certification and Reporting
 - Miscellaneous Provisions

- History
- **REAL ID Provisions**
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REAL ID Provisions

- Not a Mandate:

- “...a Federal agency may not accept, for any official purpose...” (sec. 205 (a)(1))

- “Official purpose”

- Accessing federal facilities
 - Boarding federally regulated commercial aircraft
 - Entering nuclear power plants
 - Any other purposes that the Secretary shall determine

- State certification of compliance

- May 11, 2008—Other Key Dates

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REAL ID Provisions

□ Minimum Card Display Requirement

REAL ID	Current (Utah Code Section 53-3-207)
Full Legal Name	Name
Date of Birth	Date of Birth
Gender	Brief Description of the Person
Driver License or Identification Card Number	Distinguishing Number Assigned by the Division
Digital Photograph	Photograph
Place of Principle Residence	Utah Residence Address
Signature	Signature
Physical Security Features	Impervious Material, Resistant to Wear, Damage, and Alteration
Common Machine-Readable Technology	No Statutory Requirement, but It Is Included

Utah statute also requires the card to list (1) whether the person intends to make an anatomical gift; and (2) Any driving restrictions the holder may have. The license also lists card issuance and expiration dates.

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REAL ID Provisions

☐ Verification of Identity

- A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's **full legal name and date of birth**
- Documentation showing the person's **date of birth**
- Proof of the person's **social security number** or that the person is not eligible for a social security number
- Documentation showing the **person's name and address of principal residence**
- **Lawful status**

- ☐ History
- ☐ **REAL ID Provisions**
- ☐ Concerns
- ☐ Policy Options/Questions
- ☐ Questions



REAL ID Provisions

- **Current Verification** of Identity: Name and Date of Birth
 - Current license certificate
 - Birth certificate
 - Selective Service registration
 - Other proof:
 - Church records
 - Family bible notations
 - School records
 - Other evidence considered acceptable by the Division

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REAL ID Provisions

- **New Verification** of Identity: Name and Date of Birth
 - Current license certificate **if REAL ID compliant**
 - Birth certificate **if verified**
 - Selective Service registration
 - Other proof: **(REAL ID Verification of Identity: Federal Documents Listed on Next Slide)**
 - Church records
 - Family bible notations
 - School records
 - Other evidence considered acceptable by the Division

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REAL ID Provisions

□ **REAL ID** Verification of Identity: Name and Date of Birth

- A valid unexpired passport
- A consular report of birth abroad
- An unexpired permanent resident card
- An unexpired employment authorization document
- An unexpired foreign passport with valid U.S. visa affixed
- A U.S Certificate of Citizenship
- A U.S. Certificate of naturalization
- **A certified copy of a birth certificate**
- **A REAL ID Driver License or Identification Card**

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REAL ID Provisions

- Verification of Identity: Social Security Number or Proof of Ineligibility
 - Currently required by state statute
 - Social Security Number
 - IRS temporary identification number (must obtain driving privilege card)
 - Proof of ineligibility for Social Security Number with proof of legal status in U.S.
 - Check against database

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REAL ID Provisions

- Verification of Identity: Name and Address of Principal Residence.
 - Currently by Division rule
 - Two documents
 - Current
 - REAL ID requirements
 - Two documents of Utah's choice
 - Current
 - Exceptions

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REAL ID Provisions

□ Security

Issue	REAL ID
Physical Security of location where documents produced and stored	Comprehensive security plan
Employee Security.	Background checks and temp placement Disqualifying offenses Financial history check
Document Security Features	Included in comprehensive security plan Prevent tampering, counterfeiting, or duplication
Security of Information Stored on DMV database	Included in comprehensive security plan
Security of Personal Data	Included in comprehensive security plan

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REAL ID Provisions

□ Renewals and Expirations

Issue	REAL ID	Current
Regular Card: Renewal	In person every other cycle, or every cycle if personal information changes	In person every other cycle
Regular Card: Expiration	Within 8 years	5 years
Temporary Card: Renewal	Issued to immigrants with various status categories.	None
Temporary Card : Expiration	When lawful status changes or yearly	None
Driving Privilege Card: Renewal	None	When lawful status changes or every cycle
Driving Privilege Card: Expiration	None	Yearly (with ITIN), up to five years (with proof of legal presence)

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REAL ID Provisions

- State Self-certifications and Reporting
 - States Certify Compliance to DHS
 - Annual certification by Governor
 - Quarterly account of exceptions process
- Miscellaneous Provisions
 - **Record Retention: 7 years (hard copy); 10 years (digital)**
 - Non-compliant cards:
 - Clearly state on face
 - Unique design or color indicator
 - Database Connectivity with Other States

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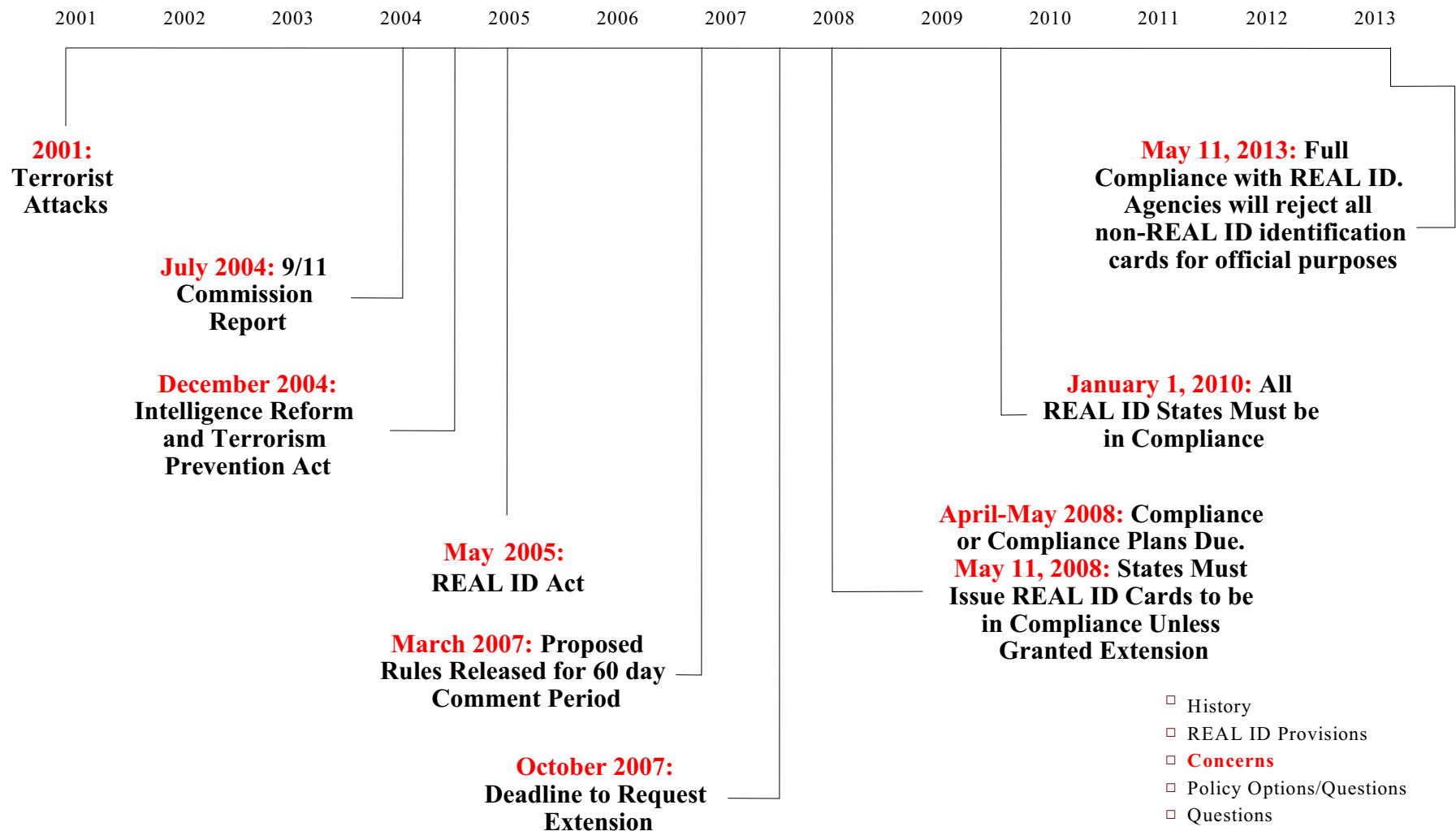


Concerns

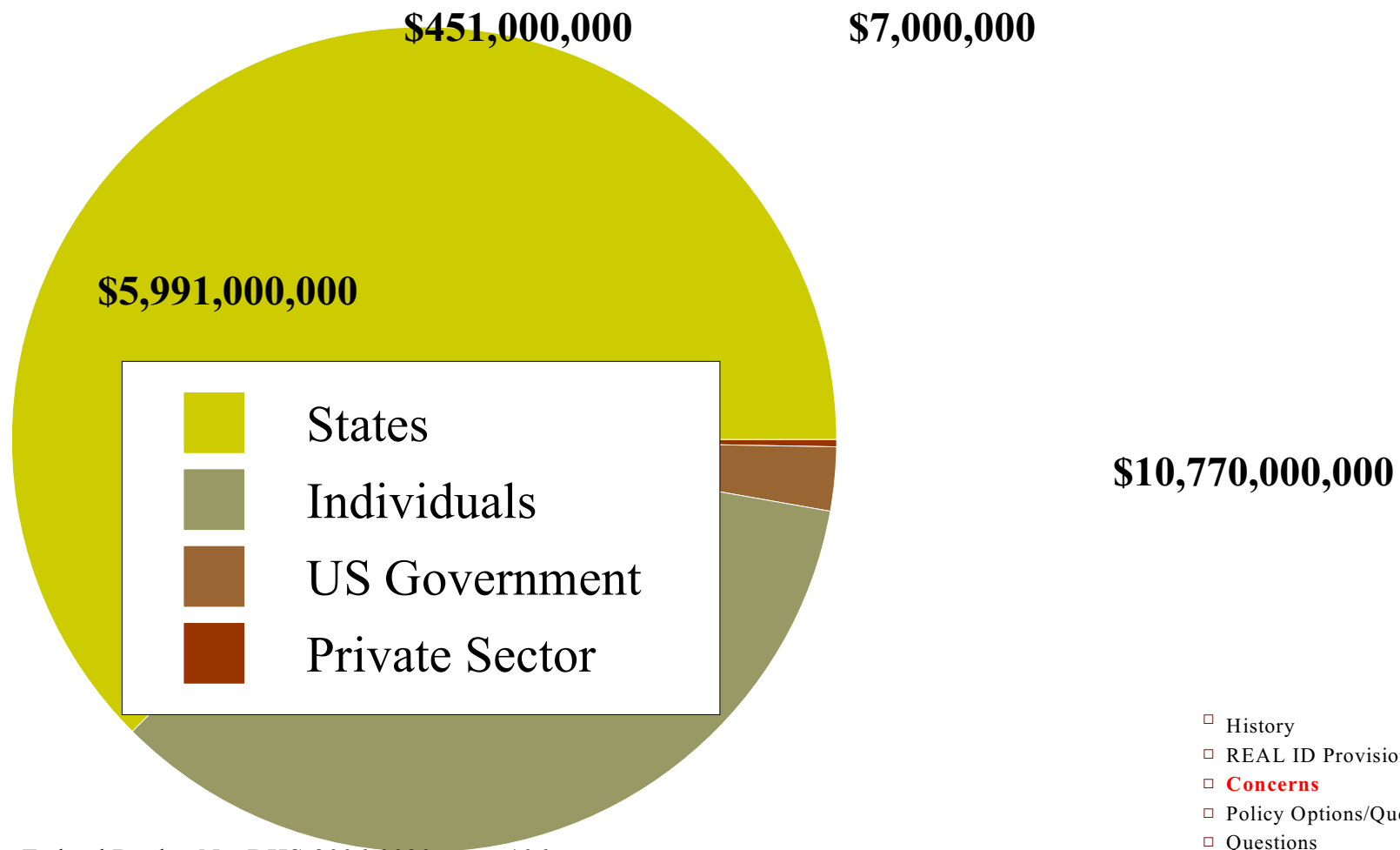
- Timeline
- Cost
- Privacy
- Federalism

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Timeline: REAL ID Implementation



REAL ID National Implementation Costs



*Source: Federal Docket No. DHS-2006-0030; page 106



REAL ID National Implementation Costs

□ NCSL Policy—REAL ID Act of 2005 Selected Provisions not Covered in Proposed Rulemaking

- Provide federal funds for implementation and recognize the need for an annual appropriation to maintain the system. Federal appropriations must recognize and cover the costs of new requirements on states in support of federal security initiatives required by the Act.
- Repeal the REAL ID Act if Congress does not provide for full funding on or before December 31, 2007

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Privacy Concerns

- Connectivity of the State Databases—Scanned Documents
- Personal Information Stored by the State Databases—Increased Information and Documentation
- Protection of the Personal Information Stored on Machine-Readable Technology on the DL/IDs.

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Federalism Concerns

- Competing Interests
 - Federal Interest in Secure Identification
 - Driver Licenses Used Most Commonly for Identification
 - State Interest in Sovereignty
- National Identification
- State Repository for Federal Information
- Responsibility for Costs

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Other States' Actions

Action	Proposed: Number of States	Passed: Number of States (as of April 11, 2007)
Comply	18	2 (California-vetoed, Ohio)
Urging Congress to Act	23	6 (Arkansas, Arizona, Idaho, Maine, Michigan, Utah)
Refuse to Comply	26	2 (Maine, Idaho)

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*Source: NCSL (<http://www.ncsl.org/standcomm/sctran/RealIDdb.cfm>)



Key Policy Questions

□ Does Committee Agree with Action Plan?

- Comment on Rules
- Prepare to Implement
- Wait for Final Rules
- Update Committee
- Proposed Legislation to Committee in Fall
- Implement as Possible

□ How Should Utah Proceed?

- Comply
- Comply with Selected Portions
- Comply with Extension
- Refuse to Comply

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Key Policy Questions

□ What Identity Documents Should Utah Provide?

- REAL ID Only
- Non-REAL ID Only
- Driving Privilege Card
- Combination

□ How Should Utah Cover Compliance Costs?

- All Users
- REAL ID Users
- General Fund
- Federal Funding

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Questions?
